

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**JANICE HARGROVE WARREN**

**PLAINTIFF**

**v.**

**CASE NO. 4:19-CV-00655-BSM**

**CHARLES McNULTY, *et al.***

**DEFENDANTS**

**ORDER**

Defendants’ motion for leave to file a supplemental brief [Doc. No. 49] is granted. Defendants’ motion to strike Janice Warren’s surreply [Doc. No. 56] is granted. *See* Doc. No. 10 ¶ 5. Defendants’ motion to strike Janice Warren’s response to their summary judgment motion [Doc. No. 46] is denied.

Warren submitted her response to defendants’ summary judgment motion hours after her deadline, *see* Doc. Nos. 35, 42, in violation of Local Rule 7.2. Nonetheless, the “determination of whether neglect is excusable is at the bottom an equitable one.” *Kurka v. Iowa Cty.*, 628 F.3d 953, 959 (8th Cir. 2010) (quoting *Chorosevic v. MetLife Choices*, 600 F.3d 934, 946 (8th Cir. 2010)). Here, the prejudice to defendants and the delay in the proceedings is minimal, and there is a preference for adjudication on the merits. *Kurka*, 628 F.3d at 959.

IT IS SO ORDERED this 21st day of October, 2020.

  
UNITED STATES DISTRICT JUDGE